

FILED 7 SEP '22 12:39 USDC-ORP

**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION**

**UNITED STATES OF AMERICA**

**3:22-cr- 00307-mo**

**v.**

**INDICTMENT**

**JAVIER FRANCISCO VIGIL,**

**Defendant.**

**18 U.S.C. § 1951(a)  
18 U.S.C. § 924(c)(1)(A)  
18 U.S.C. § 922(g)(1)  
18 U.S.C. § 924(e)  
18 U.S.C. §§ 1113 and 1152  
18 U.S.C. §§ 113(a)(1) and 1152  
18 U.S.C. §§ 113(a)(3) and 1152  
18 U.S.C. § 924(c)(1)(A)**

**Forfeiture Allegations**

**THE GRAND JURY CHARGES:**

**COUNT 1  
(Interference with Commerce by Robbery)  
(18 U.S.C. § 1951(a))**

At all times material to this indictment, the Wildhorse Casino was engaged in the purchase and sale of goods and services in interstate and foreign commerce and an industry that affects interstate commerce.

On or about August 17, 2022, in the District of Oregon, the defendant **JAVIER FRANCISCO VIGIL**, did unlawfully obstruct, delay, and affect commerce, as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18 United States

Code, Section 1951, in that the defendant **JAVIER FRANCISCO VIGIL** unlawfully took and obtained property, namely approximately \$69,098 U.S. Currency belonging to the Wildhorse Casino, in the presence of Adult Victim 1 (AV1) and Adult Victim 2 (AV2), employees of the Wildhorse Casino, against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to AV1's and AV2's person;

In violation of Title 18, United States Code, Section 1951(a).

**COUNT 2**

**(Use and Carry of a Firearm During and in Relation to a Crime of Violence)  
(18 U.S.C. § 924(c)(1)(A))**

On or about August 17, 2022, in the District of Oregon, defendant **JAVIER FRANCISCO VIGIL**, did knowingly use and carry a firearm, to wit: an Arms Corporation of the Philippines semi-automatic pistol, model GI Standard FS, .45 ACP caliber, with serial number: RIA2190663; during and in relation to a crime of violence, to wit: the Interference with Commerce by Robbery charged in Count One of this Indictment;

The Grand Jury further alleges that defendant **JAVIER FRANCISCO VIGIL** brandished the firearm during and in relation to this offense;

The Grand Jury further alleges that defendant **JAVIER FRANCISCO VIGIL** discharged the firearm during and in relation to this offense;

In violation of Title 18, United States Code, Section 924(c)(1)(A).

**COUNT 3**

**(Felon in Possession of a Firearm)  
(18 U.S.C. § 922(g)(1))**

On or about August 17, 2022, in the District of Oregon, the defendant, **JAVIER FRANCISCO VIGIL**, knowing that he had been previously convicted of a crime punishable by imprisonment for a term exceeding one year, specifically:

1. Burglary in the Second Degree, on or about March 26, 2019, in the Umatilla Circuit Court, State of Oregon, Case Number 19CR10053;
2. Assaulting a Public Safety Officer, on or about November 19, 2008, in the Umatilla Circuit Court, State of Oregon, Case Number CF080461;
3. Burglary in the First Degree, on or about November 19, 2008, in the Umatilla Circuit Court, State of Oregon, Case Number CF080443;
4. Assaulting a Public Safety Officer, on or about November 19, 2008, in the Umatilla Circuit Court, State of Oregon, Case Number CF080070;
5. Assault in the Fourth Degree, on or about October 30, 2002, in the Umatilla Circuit Court, State of Oregon, Case Number CF020671;

did knowingly possess the following firearm: an Arms Corporation of the Philippines semi-automatic pistol, model GI Standard FS, .45 ACP caliber, with serial number: RIA2190663; which had previously been shipped and transported in interstate commerce;

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT 4**  
**(Attempt to Commit Murder)**  
**(18 U.S.C. §§ 1113 and 1152)**

On or about August 17, 2022, on the Umatilla Indian Reservation, in Indian Country, and within the District of Oregon, defendant, **JAVIER FRANCISCO VIGIL**, attempted to unlawfully kill Adult Victim 3 (AV3), an Indian male, with malice aforethought, by discharging a firearm at AV3 with the intent to kill;

In violation of Title 18, United States Code, Sections 1113 and 1152.

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**COUNT 5**  
**(Assault with Intent to Commit Murder)**  
**(18 U.S.C. §§ 113(a)(1) and 1152)**

On or about August 17, 2022, on the Umatilla Indian Reservation, in Indian Country, and within the District of Oregon, defendant, **JAVIER FRANCISCO VIGIL**, assaulted AV3, an Indian male, by intentionally pointing and discharging a firearm at AV3 with the intent to commit murder;

In violation of Title 18, United States Code, Sections 113(a)(1) and 1152.

**COUNT 6**  
**(Assault with a Dangerous Weapon)**  
**(18 U.S.C. §§ 113(a)(3) and 1152)**

On or about August 17, 2022, on the Umatilla Indian Reservation, in Indian Country, and within the District of Oregon, defendant, **JAVIER FRANCISCO VIGIL**, assaulted AV3, an Indian male, with a dangerous weapon by intentionally pointing and discharging a firearm at AV3 with the intent to do bodily harm to AV3;

In violation of Title 18, United States Code, Sections 113(a)(3) and 1152.

**COUNT 7**  
**(Use and Carry of a Firearm During and in Relation to a Crime of Violence)**  
**(18 U.S.C. § 924(c)(1)(A))**

On or about August 17, 2022, in the District of Oregon, defendant **JAVIER FRANCISCO VIGIL**, did knowingly use and carry a firearm, to wit: an Arms Corporation of the Philippines semi-automatic pistol, model GI Standard FS, .45 ACP caliber, with serial number: RIA2190663; during and in relation to a crime of violence, to wit: the Assault with a Dangerous Weapon charged in Count Six of this Indictment;

The Grand Jury further alleges that defendant **JAVIER FRANCISCO VIGIL** brandished the firearm during and in relation to this offense;

The Grand Jury further alleges that defendant **JAVIER FRANCISCO VIGIL** discharged the firearm during and in relation to this offense;

In violation of Title 18, United States Code, Section 924(c)(1)(A).

**FORFEITURE ALLEGATION**

Upon conviction of any of the offenses alleged in Counts One, Two, Three, Four, Five, Six and Seven of this Indictment, the defendant, **JAVIER FRANCISCO VIGIL**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses, and shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), all firearms, ammunition, and accessories involved in or used in the willful commission of the offenses, including without limitation: an Arms Corporation of the Philippines semi-automatic pistol, model GI Standard FS, .45 ACP caliber, with serial number: RIA2190663.

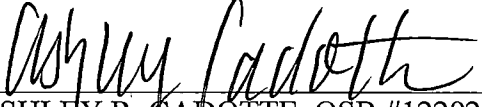
Dated: September 7, 2022

A TRUE BILL.



OFFICIATING FOREPERSON

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